

CHAPTER 24:05:17

CHILD COUNT

Section

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24:05:17:01. State-wide coordination of child find and data collection activities. ~~The Division of Education Services and Resources, Office of Special Education~~ Office of Educational Services and Supports, through its special education programs, is the state agency responsible for coordinating the planning and implementation of state-wide child find and data collection activities. Child identification procedures are a required component in each school district's comprehensive plan for special education. The district shall provide information in the form required by the ~~Office of Special Education~~ office's special education programs.

This process combined with the state's federal child count procedures serve as the basis for developing the child identification system for the Individuals with Disabilities Education Act, Part B. These procedures are extended to agencies other than school districts through the use of interagency agreements.

Source: 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

24:05:17:02. Federal child count procedures under Part B of the Individuals with Disabilities Education Act. ~~The Division of Education Services and Resources, Office of Special Education~~ Office of Educational Services and Supports, through its special education programs, shall do the following:

(1) Direct local educational agencies and other educational institutions to count the number of children with disabilities receiving special education and related services at the

time specified by the U.S. secretary of education on forms provided; ~~prior to the federal reporting date of February 1;~~

(2) Obtain certification from each agency and institution that an unduplicated and accurate count has been made;

(3) Aggregate the data from the count obtained from each agency and institution and prepare the reports required under chapter 24:05:17; and

(4) Ensure that documentation is maintained which enables the state and the U. S. secretary of education to audit the accuracy of the count.

The data required by the U.S. secretary of education shall be publicly reported by the department in a manner that does not result in disclosure of personally identifiable child data.

Source: 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

24:05:17:03. Annual report of children served. In its annual report of children served, the ~~division~~ department shall indicate ~~the following:~~ (1) the number of children with disabilities receiving special education and related services on December 1 of that school year.

~~(2) The number of children with disabilities aged 3 to 5, inclusive, who are receiving a free appropriate public education;~~

~~(3) The number of children with disabilities aged 6 to 17, inclusive, and 18 to 21, inclusive; and~~

~~(4) The number of those children with disabilities aged 3 to 21, inclusive, for each year of age, starting with age 3 within each disability category.~~

For the purpose of this section, a child's age is the child's actual age on the date of the child count, December 1.

The ~~division~~ department may not report a child under more than one disability category.

Source: 16 SDR 41, effective September 7, 1989; 20 SDR 33, effective September 8, 1993; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

24:05:17:04. Reporting of multiple disabilities. The ~~division~~ department shall report a child with deaf-blindness under the category deaf-blindness unless the child is reported as having a developmental delay. The ~~division~~ department shall report a child who has more than one disability, other than deaf-blindness, under the category multiple disabilities.

The ~~division~~ department shall include in its report a certification signed by the secretary that the information provided is an accurate and unduplicated count of children with disabilities receiving special education and related services on the dates in question.

Source: 16 SDR 41, effective September 7, 1989; 20 SDR 33, effective September 8, 1993; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

Cross-Reference: Definition of "deaf-blindness," 34 C.F.R. § 300.7(b)(2).

24:05:17:05. Children included in report. The ~~division~~ department may include children with disabilities in its report who are enrolled in a school or program which is operated or supported by a public agency and which either provides them with both special education and related services or provides them only with special education, if a related service is not required, that meet state standards.

In the case of children with disabilities enrolled by their parents in private schools, the public agency provides them with special education or related services, or both, consistent with chapter 24:05:32 that meet state standards.

Source: 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

24:05:17:06. Children not included in report. ~~The division may not include children with disabilities in its report who meet the following conditions:~~

~~(1) Are not enrolled in a school or program operated or supported by a public agency;~~

~~(2) Are not provided special education that meets state standards;~~

~~(3) Are not provided with a related service that they need to assist them in benefiting from special education; or~~

~~(4) Are receiving special education funded solely by the federal government, including children served by the Departments of Interior, Defense, or Education~~
Repealed.

Source: 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

General Authority: ~~SDCL 13-37-1.1.~~

Law Implemented: ~~SDCL 13-1-12.1, 13-37-1.1.~~

24:05:17:08. Written notice provided by Office of Data Collection. The Office of Data Collection shall provide all local education agencies with written notice of the procedures to be followed in counting the number of eligible children receiving special education and related services ~~for the purpose of generating federal funds~~ under the Individuals with Disabilities Education Act, Part B.

At a minimum, this notice shall include the federal definitions of children with disabilities under the Individuals with Disabilities Education Act, Part B, and the criteria for counting children with disabilities as set out in chapter 24:05:17.

Source: 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

Cross-Reference: 34 C.F.R. §§ 300.7 and 300.753, September 29, 1992.

24:05:17:10. ~~Disproportionality~~ Overidentification and disproportionality. The ~~division~~ department shall provide for the collection and examination of data to determine whether any inappropriate overidentification or significant disproportionality based on race and ethnicity is occurring in the state and in districts of the state with respect to:

(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in chapter 24:05:24.01; ~~and~~

(2) The placement in particular educational settings of these children; and

(3) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of inappropriate overidentification or significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular settings of these children, the ~~division~~ department shall provide for the review of and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure compliance with the requirements of Part B of the Individuals with Disabilities Education Act; require any district identified under this section to reserve the maximum amount of funds allowable to provide comprehensive coordinated early intervening services to serve children in the district, particularly, but not exclusively, children in those groups that were significantly overidentified under this section; and require the district to publicly report on the revision of policies, practices, and procedures described under this section.

Source: 26 SDR 150, effective May 22, 2000.

General Authority: SDCL ~~37-13-1.1~~ 13-37-1.1.

Law Implemented: SDCL ~~37-13-1.1~~ 13-37-1.1.